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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------------|------------------------|
| 10/694,757 | 10/29/2003 | Kyungwoo Kim | 117271 | 5762 |
| 25944 7590 01/08/2008 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850 | | | | |
| | | | EXAMINER BRIGGS, NATHANAEL R | |
| | | | ART UNIT 2871 | PAPER NUMBER |
| | | | MAIL DATE 01/08/2008 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--|-----------------------------------|--|
| Office Action Summary | Application No. 10/694,757 | Applicant(s) KIM ET AL. | |
| | Examiner Nathanael R. Briggs | Art Unit 2871 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant's arguments, see pages 5-6, filed 26 September 2007, with respect to the rejection(s) of claim(s) 2-6 and 8-9 under 35 USC § 102 have been fully considered and are persuasive, specifically as discussed in previous interviews with regards to the *White* reference. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of additional prior art.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al. (US 5,748,269) in view of White et al. (US 6,532,152).**
5. Regarding claims 1, 2, and 3, Harris discloses a touch panel apparatus (see figures 1 and 2, for instance) comprising: a liquid crystal display device including a liquid crystal section (22), an illuminating section (40) disposed at a rear side of said liquid crystal section for illuminating said liquid crystal section, and a frame section (23) disposed on an outer periphery of said liquid crystal section (22); a touch panel (20) disposed at a front side of said liquid crystal display device; and a spacer member (21)

disposed between said frame section of said liquid crystal display device and a periphery of said touch panel (20) for defining a clearance between said liquid crystal section (22) of said liquid crystal display device and said touch panel, wherein said spacer member (21) covers an area from a front surface of said frame section (23) of said liquid crystal display device to a periphery of a front surface of said liquid crystal section (22) while maintaining said clearance between said liquid crystal section (22) and said touch panel (20), (*claim 1*) and said spacer member (21) is not in contact with the liquid crystal section (22); (*claim 2*) wherein a portion of said spacer member (21) that covers said liquid crystal section (22) is provided in a rear surface with a recess (where it contacts the frame section (23)) for defining a clearance between said spacer member (21) and said liquid crystal section (22); and (*claim 3*) wherein a portion of said spacer member (21) that covers said liquid crystal section (22) is provided in a front surface with a recess (cradling the edges periphery of the touch panel 20) for defining a clearance between said spacer member (21) and said touch panel (20). However, Harris does not expressly disclose wherein the touch panel is a transparent resistive membrane type of touch panel.

6. Regarding claims 1, 2, and 3, White discloses a touch screen LCD (see figure 3B, for instance), wherein the touch panel is a transparent resistive membrane type of touch panel (column 7, lines 15-20).

7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the resistive membrane touch panel of White in the LCD of Harris. The motivation for doing so would have been to use any one of several

analogous techniques in the art of touch panels to produce a LCD without increasing upgrade costs, as exemplified and taught by White (column 2, lines 57-62; column 7, lines 10-20). Claims 1, 2, and 3 are therefore unpatentable.

8. Regarding claim 4, Harris in view of White discloses the touch panel apparatus according to claim 1 (see Harris figures 1 and 2, for instance), and Harris further discloses wherein said spacer member (21) is formed to expose (since it is formed of clear acrylic, it exposes the liquid crystal section 22) only a display area on a front surface of said liquid crystal section (22) and to cover a periphery of said front surface. Claim 4 is therefore unpatentable.

9. Regarding claim 5, Harris in view of White discloses the touch panel apparatus according to claim 1 (see Harris figures 1 and 2, for instance), and Harris further discloses wherein a lower positioning wall (20a) projects from a rear surface of said spacer member (21) to engage an outer peripheral side surface of said frame section (23) of said liquid crystal display device, thereby positioning said frame section (23) with respect to the rear surface of said spacer member (21). Claim 5 is therefore unpatentable.

10. Regarding claim 6, Harris in view of White discloses the touch panel apparatus according to claim 1 (see Harris figures 1 and 2, for instance), and Harris further discloses wherein an upper positioning wall (upper part of 23) projects from said front surface of said spacer member (21) to engage an outer peripheral side surface of said touch panel (20), thereby positioning said touch panel (20) with respect to the front surface of said spacer member (21). Claim 6 is therefore unpatentable.

11. Regarding claim 8, Harris in view of White discloses the touch panel apparatus according to claim 2 (see Harris figures 1 and 2, for instance), and Harris further discloses wherein a distal end of the rear surface of said spacer member (21) is concaved (depressed into the surface of the spacer). Claim 8 is therefore unpatentable.

12. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al. (US 5,748,269) in view of White et al. (US 6,532,152) as applied to claim 3 above, and further in view of Kela et al. (US 7,130,004).

13. Regarding claim 9, Harris in view of White discloses the touch panel apparatus according to claim 1 (see Harris figures 1 and 2, for instance). However, Harris in view of White does not expressly disclose wherein a distal end of the front surface of said spacer member is tapered.

14. Regarding claim 9, Kela discloses an LCD (see figure 5, for instance), having a spacer (40) with a distal end (41, 43) of the front surface of said spacer member is tapered (41, 43).

15. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the tapered spacer end of Kela in the LCD of Harris in view of White. The motivation for doing so would have been to apply a flexible pressure while avoiding cracks caused by excessive external pressure, as taught by Kela (column 3, lines 56-59). Claim 9 is therefore unpatentable.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathanael R. Briggs whose telephone number is (571)

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272-8992. The examiner can normally be reached on 9 AM - 5:30 PM Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on (571) 272-1787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nathanael Briggs
1/4/2008


ANDREW SCHECHTER
PRIMARY EXAMINER